

Any/All

**FILED**

APR 18 2024

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

Mark C. McCarr, Clerk  
U.S. DISTRICT COURT

**RARE BREED TRIGGERS, et al.**

**Plaintiffs**

**CASE NO. 4:22-CV-00107-MTS**

**v.**

**Thomas Allen Graves,**

**Hon. Mark T. Steele**

**Defendant**

**SUPPORT FOR VICTIM'S REASSERTION THAT JURISDICTION IS  
CHALLENGED AND STANDS UNPROVEN TO DATE, BY THE  
BENCH**

**OR THE PLAINTIFFS'**

## **SWORN AFFIDAVIT OF FACT IN SUPPORT**

Your affiant I am. Thomas Allen Graves, (TAG), a natural living masculine offers up deposes and says the following truths under penalty,

1. Document 87 plaintiffs' counsels,

### **B. JURISDICTION BASED ON CLAIM PRECLUSION**

Counsels harp there has been no support for anything pointed to or sworn to as fact. Affidavit-less counsels are pot calling the kettle black, have to date provided zero evidence in their complaint or amended complaint or thereafter that:

- a. the ALAMO-15 is an FRT-15 – it is not for the obvious, in Exhibits Doc 86. See roller. To be infringement the law of physics shall have been made – moot. Unfortunately for counsels that has not taken place yet.
- b. The ALAMO-15 is TAGS—Fact: it is NOT!
- c. TAG could muster capacity to manufacture \$4 million dollars in illegal machineguns – Fact: he could not.
- d. TAG had the staff facility or wherewithal to retail or distribute \$4 dollars in illegal machineguns let alone \$4 million dollars in illegal machineguns – Fact: he does not.
- e. nonsensical arguments counsels make absent any evidence in support and

why they would *never prevail* in an adjudication, and why they've never went the distance in nine straight cases to fully adjudicated end.

- f. And why counsels cling for life to default as they could not prevail in this case otherwise.
- g. All of which is for plaintiffs—moot ....for lack of jurisdiction, caused by counsels themselves.

#### I. DOCTRINE OF ILLEGALITY DEFINED

Though the USPTO may grant patents that claim an illegal product or its use, there is a serious policy objection to the enforcement of such a patent in the federal courts. This objection arises under the doctrine of *Ex turpi causa non oritur actio* (“from a dishonorable cause an action does not arise.”). In recent times this has also become known as the Illegality Rule.

- 1. Nothing attorneys file shall change the facts.
- 2. Fact: The plaintiffs are a spoke in a much larger criminal wheel.
- 3. Fact: Plaintiffs stole the technology from my lab in my presence – threatened me.
- 4. Fact: Plaintiffs told OK barred counsel “if TAG refuses to work for us we sue him into oblivion and take his inventions/patents.” “We will get all your patents for nothing one way or another.”

5. Fact: Plaintiffs have no standing period, stole the technology then modified it to appear different from the inventor's priority date core (non-illegal machinegun) USPAT 9,816, "107".
6. Fact: Plaintiffs got caught by the UNITED STATES, RBT-ABC are banned from all manufacture offering or sales of FRT-15 one in the same illegal machine gun argued by TAG.
7. Fact: Now these grifters RBT-ABC need my patent or face prison.
8. Fact: These grifters are "Banned" from producing any FRT period thus cannot suffer loss revenue. Let alone have standing in this case - to collect twice from this court.
9. Fact: These collectively perjuriously assert in [Doc 87] that TAG (the only inventor and scientist) in this abomination argued the NDPL 00061 defendants' Alamo-15 is a machinegun.
10. Fact: The court knows better – TAG proved FRT-15 a machinegun with prima facie case evidence as proof.
11. Fact: TAG, is the only one in the gun industry never contacted in any manner by the UNITED STATES for illegal machine guns – the Alamo-15 is not TAG's is unauthorized unlicensed. Fact: Whereas, the UNITED STATES finds twice counsels' dependent upon in this case FRT-15 is an illegal machinegun and bans it-TWICE.

12. Fact: UNITED STATES bans counsel reliant FRT-15s on 9/15/17 for five years

and renews/upholds finding in even more severe ways on 9/5/23.

13. Fact: By 12., above alone counsels are claim precluded in this case.

14. Fact: These grifters are engaging in illegal activity for unjust enrichment per the government and using it in prosecuting others to raise more capital, the true intent being exposed by threats made to TAG and barred counsel in OK of intent to steal IP by attorney smoke n mirrors in the courts – and nothing more.

15. Fact: So called attorneys know or should've known this fact set. Bellamy knows!

16. Factually in the nine cases plaintiffs brought, the outcomes being the plaintiffs have paid the defendants (in one case an admitted \$60k) or plaintiffs made severe concessions to supposed defendant infringers, in order to obtain a default or consent judgment. None of which has worked against UNITE STATES ban of their FRT-15 illegal machineguns.

17. Fact: This lawsuit is plaintiffs' business model after being banned from producing any FRT product under USPAT 223, is revenue raising litigation - not infringement enforcement.

18. Fact: No. 17., is counsels business model for plaintiffs, litigation is financed by RBT ABC sales of illegal machinegun sales post being banned on 9/15/17 through 9/5/23 when the ban was enhanced against these grifters..

19. Facts do matter: in this case. Selling while banned then Plaintiffs' using that illicit gain (\$41.5 million admitted to) to fund nine attacks on other inventors and in the end taking their patents for payola in hopes of slipping out from under the UNITED STATES bans w/o incarceration. Is part n parcel in the EDNY 140 page orders finding Kleins Conspiracy to defraud the gov't and consumers, wire fraud mail fraud deceptive money trail practices.

20. Fact: Counsels don't like the fact the court shall take judicial notice per FRCP.

21. Fact: Nothing counsels can say changes the fact their FRT-15 is per the UNITED STATES an illegal machinegun – counsels case is cornerstone in criminal law being the subject matter allowed heard by a CV court. Fact: Counsels are dependent upon the FRT-15, an illegal machinegun – illegal machineguns in this case rob counsels of actual cause in a CV matter, provide no standing in a CV court.

22. Fact: This was given the court in [Doc 85] this court this bench shall take judicial notice of the fact, that but for counsels' egregious shenanigans [I]t lacked jurisdiction day one over the persona or subject matter. Was subsequently in addition to total lack of jurisdiction collaterally estopped by the NDFL final judgement on 10/15/22, entered upon the same issues – this adjudicated judgment being months prior to this bench entering its 11/15/22 and 12/25/22 void judgment awards, void damage awards, void treble damages

award and void award of fees and costs to counsels – all void for lack of jurisdiction. EO 13848 applies.

23. Fact: Counsels argue they are not double dipping...this is a ball-face lie. See EXHIBIT "A" This attorney proclivity for lying to a court has FRCP ramifications. The same defendants are in both cases NDFL & NDOK.

## II POINT

Fact: Counsels lied day one in Complaint. Lied in document 87. See EXHIBIT "A." proof of counsels attempted, "*two bites at the same claim precluded monetary apple.*"..., at TAG expense, and

### EXHIBIT "A"

24. Fact: Whereas, the NDFL court in RBT-ABCs' sister case 4:22-cv-00061, the complaint itself [Doc 1] - *prima facie* case evidences the fact for this 4:22-cv-00107 court, that the 00061 court had fully pre-adjudicated to final judgment "Powered by Graves Alamo-15" by 10/15/21, and collateral estopped for res judicata NDOK case 4:21-cv-00107.

### EXHIBIT "A"

25. Fact: Document 87 This ball-face egregious attempt to serve up as remotely true, "that counsels' are not collaterally estopped claim precluded, not double dipping, and that the Alamo-15 is somehow magically TAG's, and he inanely

argues it to be an illegal machinegun while arguing the FRT-15 is an illegal machinegun"- is profuse. What are we playing "Attorney says"?... or are we dealing with facts?

26. Fact: The RBT-ABC Complaint, [Doc 1] page 2 in the NDFL court's 1:22-cv-00061 at the section PARTIES, specifically at number 5., wherein the plaintiffs state as follows: 5. "*Upon information and belief, Blackstock is a corporation organized under the laws of the State of Florida with a place of business at 7600 NW 5TH Place, Gainesville, FL 32607, is the incorporator/owner of Powered By Graves, Inc., an Oklahoma corporation, and controls its subsidiaries BDU and BDE.*"

*Case 1:22-cv-00061-RH-HTC Document 1 Filed 03/08/22 Page 2 of 30*

27. Fact: Clearly it is counsels who should need to first obtain permission to file further perjury in this case.

28. Further at page 2 number 6., Case 1:22-cv-00061-RH-HTC Document 1 Filed 03/08/22 Page 2 of 30 – same counsels (Bellamy) assert NDFL as proper,

#### **"JURISDICTION AND VENUE"**

No. 6. "*This is an action for patent infringement arising under 35 U.S.C. §§ 271(a)-(b), 281, and 284-85.*"

29. Further on page 3 number 47., plaintiffs state,

shenanigan was filed, to this day and as such 4:22-cv-00107 is – moot. Therefore, is and forever shall be void, a nullity, as if it never happened.

32. Fact: A sworn affidavit of fact shall be taken as fact, unlike counsels who'd not dare to make sworn affidavit in support and under penalty for the tripe they've served up in this mess.

33. Fact: Document 85 - has counsels worried. There exists formal challenge of the Gregory K Frizzel's Bench ever having Jurisdiction in this fraudulent matter, nothing shall proceed until jurisdiction is proven, and all know it cannot be proven. EO 13848 applies.

34. Fact: Document 80, the court was given multiple opportunity to abide *submitted* judicial notices of fact, (once submitted shall be taken FRCP) governing this collaterally estopped matter, and

35. Fact: Document 75- Whereas the court ignored its obligation to take judicial notices submitted, and did not., admitted it does not have jurisdiction 3/14/24, and

36. Fact: Whereas, in fact, before scheduling its' asset hearing for March 17, 2024, for which no notice was given alleged defendant (due process violation by counsels). And, whereas, the court's GKF BENCH admitted lacking jurisdiction on 3/14/2024, claimed it could not review judicial notices within

### The Infringing Trigger

No. 47. "Defendant is currently making and selling and or offering for sale a version of Plaintiffs' FRT-15 [illegal machinegun] trigger assembly, which embodies the technology claimed in the 223 patent."

No. 48. Defendants' infringing trigger assembly is called the "ALAMO-15" ("the Infringing Device"). The Infringing Device is a "drop-in" replacement trigger assembly for AR-pattern firearm [illegal machinegun]. Exemplary photos of the Infringing Device are shown below:



RARE BREED [COUNTERFEIT] TRIGGERS LLC.

30. Fact: (RB) attorneys were painfully aware of the numerous ATF open letters sent "all" gun related industries, and

31. Fact: Whereas, the victim, in this greedy counsels' fiasco in the NDOK court Thomas Allen Graves has challenged jurisdiction – no proof forth coming in over ten days, it shall be presumed no jurisdiction existed from the date this

the [Doc 80] WRIT OF OUTRAGE – moot., - and for which one notice was for 9/5/23 fed-court determined FRT-15 illegal machineguns., and

37. Fact: Whereas, the loss of jurisdiction is not recoverable or transferrable, it appears the entirety of the plaintiffs' counsels' greedy little farce is – moot, the matter moot - shall be dismissed with prejudice, and

38. Whereas, alleged defendant reserves all rights to + or - \$50 million damage hearing and orders that plaintiffs and counsels involved in this fraud – be made to make alleged defendant whole, provide full relief, pay damages, pay punitive damages, aright harms in inflicting health and wellbeing hardships stress and duress – all of which was inflicted - for money - by greedy unethical counsels' who knowingly cannot prevail in "107", with *illegal product infringement* claims brought specifically for an unentitled to plaintiff, "*second bite at the apple*", collateral estopped after the fully adjudicated 10/22/22 final judgment NDPL.

39. Fact: The Jurisdiction of this court has been and continues hereby challenged, for jurisdiction may be challenged at any time. Once jurisdiction is challenged the bench shall prove it has jurisdiction to hear this *criminal allegation, of illegal machinegun manufacture and sales*, as a civil case, absent due process of law.

See *Bindell v City of Harvey*, 212 Ill.App.3d 1042, 571 N.E.2d 1017 (1st Dist. 1991) ("the burden of proving jurisdiction rests upon the party asserting it."), and

40. Fact: Whereas, there exists, *the appearance of Rule 2., 2.2, 2A. and 3.*

**impropriety -non-compliance with the adjudication procedure; for proceeding lacking all jurisdiction to hear criminal felony allegations in civil court, no CR due process had, the GKF BENCH violated 4<sup>th</sup> 5<sup>th</sup> & 14<sup>th</sup> Amendments imposed upon the bench.**

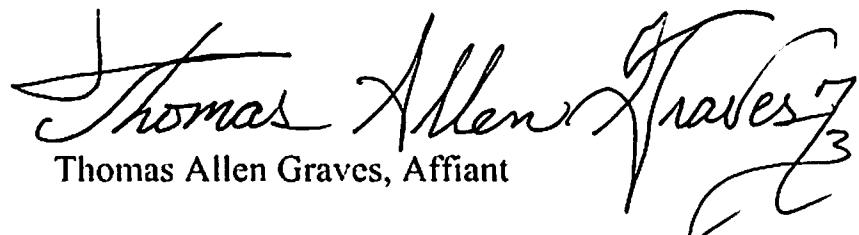
41. Fact: TAG shall win, is intent upon seeing these grifters lose liberty for their collective crimes upon TAG and family. Fact: Assignment/License "107" to the UNITED STATES to finish these grifters off - is held close at this time. I'm not having their abuse a minute longer.

42. Fact: By any means necessary the grifters MO (approach) requires by any means necessary rebuke of same.

43. Fact: Your Affiant has demands relief numerous times. EO 13848 applies.

Affiant further sayeth not, the above given in good faith, truth and under penalty,

CAVEAT: Something unethical counsels' in this matter dare not do.

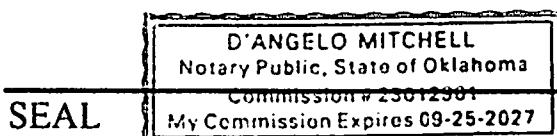
  
Thomas Allen Graves, Affiant

April 17, 2024

NOTARY D'Angelo Mitchell

04-25-2027

The above named appeared before me and identified himself with gov't issue ID, and signed this Affidavit before me, or was known to me.



295 Eagle Point Ln.  
Sand Springs, OK.  
74063  
(512)363-8440

Doc 1- 041624 - Original with Affidavit

Exhibit A

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

<b>RARE BREED TRIGGERS, LLC, a</b>	)	
<b>North Dakota limited liability</b>	)	<b>CASE NO. _____</b>
<b>company, and ABC IP, LLC, a</b>	)	
<b>Delaware limited liability company,</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	
<b>Plaintiffs.</b>	)	
	)	
<b>-vs-</b>	)	
	)	
<b>BIG DADDY UNLIMITED, INC., a</b>	)	
<b>Florida corporation, BIG DADDY</b>	)	
<b>ENTERPRISES, INC., a Florida</b>	)	
<b>corporation, and BLACKSTOCK,</b>	)	
<b>INC., a Florida Corporation,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	
	)	

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**COMPLAINT FOR PATENT INFRINGEMENT**

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This is an action for patent infringement in which Rare Breed Triggers, LLC (“Rare Breed”) and ABC IP LLC (“ABC”) (collectively, “Plaintiffs”) accuse Big Daddy Unlimited, Inc. (“BDU”), Big Daddy Enterprises, Inc. (“BDE”), and Blackstock, Inc. (“Blackstock”) (collectively “Defendants”), of infringing U.S. Patent No. 10,514,223 (“the ‘223 Patent”) as follows:

## Exhibit A

### PARTIES

1. Rare Breed is a limited liability company organized under the laws of the State of North Dakota with an address at 3523 45<sup>th</sup> Street South, Suite 100, Fargo, ND 58104.

2. ABC is a limited liability company organized under the laws of the State of Delaware with an address at 8 The Green, Suite A, Dover, DE 19901.

3. Upon information and belief, BDU is a corporation organized under the laws of the State of Florida with a place of business at 7600 NW 5<sup>th</sup> Place, Gainesville, Florida 32607 and is a subsidiary of BDE and/or Blackstock.

4. Upon information and belief, BDE is a corporation organized under the laws of the State of Florida with a place of business at 6915 NW 4<sup>th</sup> Blvd., Suite A, Gainesville, FL 32607 and is a subsidiary of Blackstock.

5. Upon information and belief, Blackstock is a corporation organized under the laws of the State of Florida with a place of business at 7600 NW 5<sup>th</sup> Place, Gainesville, FL 32607, is the incorporator/owner of Powered By Graves, Inc., an Oklahoma corporation, and controls its subsidiaries BDU and BDE.

### JURISDICTION AND VENUE

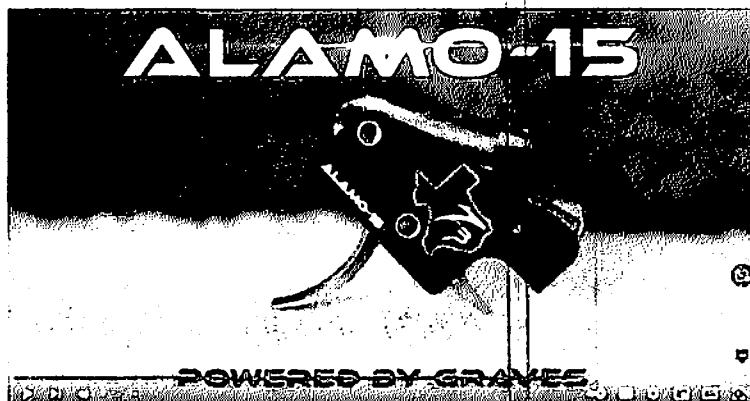
6. This is an action for patent infringement arising under 35 U.S.C. §§ 271(a)-(b), 281, and 284-85.

## Exhibit A

### The Infringing Trigger

47. Defendant is currently making, using, selling, and/or offering for sale a version of Plaintiffs' FRT-15™ trigger assembly, which embodies the technology claimed in the '223 Patent.

48. Defendants' infringing trigger assembly is called the "ALAMO-15" ("the Infringing Device"). The Infringing Device is a "drop-in" replacement trigger assembly for an AR-pattern firearm. Exemplary photographs of the Infringing Device are shown below:



49. Below is an illustration of internal components, primarily the trigger, hammer, locking bar, and springs, of the Infringing Device.